

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -OCTOBER 19, 2010- -7:00 P.M.

Mayor Johnson convened the meeting at 7:13 P.M.

ROLL CALL - Present: Councilmembers deHaan, Matarrese, and Mayor Johnson – 3.

Absent: Councilmember Gilmore and Tam – 2.

AGENDA CHANGES

Mayor Johnson announced that the Resolution appointing Rebecca Holder [paragraph no. 10-497], the recommendation to accept the Investment Report [paragraph no. 10-489], and the Council Referral on the Mif Albright Golf Course [paragraph no. 10-499] would be addressed after the proclamation.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(10-496) Proclamation Declaring October 24th as World Polio Day.

Mayor Johnson read and presented the proclamation to Rotary Club Members Jack Buckley and Barbara Price.

REGULAR AGENDA ITEM

(10-497) Resolution No. 14499, “Appointing Rebecca Holder as a Member of the Social Services Human Relations Board.” Adopted.

Councilmember Matarrese moved adoption of the resolution.

Vice Mayor deHaan seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmembers Gilmore Tam – 2.]

Ms. Holder thanked the Council for the opportunity to serve; stated that she looks forward to working with the Board.

The City Clerk administered the Oath of Office and provided Ms. Holder with a Certificate of Appointment.

(10-498) Recommendation to Accept the Investment Report.

The City Treasurer and Controller gave a brief presentation.

Councilmember Matarrese stated the City is enjoying a good return now; inquired whether the return would be used to smooth out the next downturn and the PERS

situation [unfunded liability].

The Interim City Manager responded interest earnings would be allocated at the end of the year but would not be transferred to reserves; staff is targeting 20% as a goal for available cash; Council needs to establish policy once the 20% goal is achieved.

The City Treasurer stated the City's portfolio is limited to a maximum five-year maturity by State law.

Councilmember Matarrese stated the City needs to be very cautious and not fall into the trap of enjoying a good return without realizing rates go up and down.

Vice Mayor deHaan stated rainy days have not subsided; reserves should be used cautiously.

Councilmember Matarrese moved approval of the staff recommendation.

Vice Mayor deHaan seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmembers Gilmore and Tam – 2.]

COUNCIL REFERRALS

(10-499) Consider Directing the Interim City Manager to Finalize Negotiations for a Lease of the Mif Albright Golf Course for Senior and Youth Play, with Designated Representatives of the Alameda Junior Golf Association (AJGA) and/or Its Working Subcommittee, Consistent with the Spirit of the Tentative Business Term Sheet Dated June 3, 2010; and AUTHORIZING Reserving \$100,000 from the Golf Course Enterprise Fund Available Cash Balance to Help Secure the \$250,000 Grant Offered by Wadsworth Golf Charities for Capital Improvements to the Mif Albright Golf Course.

Vice Mayor deHaan stated that he would like to continue the item, but still allow the speakers to address Council.

Speakers: Jean Ley, Alameda; Glen Van Winkle, Alameda (submitted letter); Robert Sulwold, Alameda; Joe Van Winkle, Alameda (submitted drawing); Jane Sulwold, Alameda; Norma Arnerich, Alameda; Jon Spangler, Alameda; Steve Taddy, Alameda; and the Alameda High Girls Golf Team.

Vice Mayor deHaan stated the City spends \$100,000 to \$150,000 [per year] on park maintenance; the City has an opportunity to receive a \$250,000 grant for the Mif Albright Course; hopefully, a commitment to dedicate \$100,000 in matching funds will be made at the next Council meeting.

Mayor Johnson stated the City has been working very closely with the School District on the swimming pool closure issue; requested staff to provide information.

Councilmember Matarrese stated swimming pool closures are the result of failing to comply with County-administered regulations.

The Interim City Manager stated the School District decided to close the swimming pools but did not receive a notice [from the County] to close the pools.

The Recreation and Park Director stated a new State law was enacted on July 1, 2010 which requires swimming pools to be safer; the main problem centers around filtration and circulation; modern standards require that pools be plumed, filtered, and heated separately; all three pools are on one system at Encinal High School; both Alameda High School pools are on one system; that he is trying to schedule a meeting between the City, School District and County; the City has a meeting with the School District on Thursday; that he is hoping for an interim solution; the City has hired a consultant to advise what needs to be done to bring the pools up to code.

Mayor Johnson inquired whether older pools across the State have closed down, to which the Recreation and Park Director responded in the affirmative.

Mayor Johnson stated pools need to reopen quickly for the water polo season.

Vice Mayor deHaan stated drain cover requirements have been in place for a while; inquired how long the filtration requirement has been in place.

The Recreation and Park Director responded the pools have not met the requirement for the past twenty years; the pools were built in the 1950's and 1960's.

Vice Mayor deHaan stated the School District has been aware of the requirement but has not done a cost assessment.

Councilmember Matarrese stated the matter is urgent; that he appreciates that the City is helping the School District; working together is important.

Mayor Johnson stated programs outside the School District use the pools.

CONSENT CALENDAR

Mayor Johnson announced that the Resolution Authorizing Award of a Contract [paragraph no. 10-505] would be continued to November 3, 2010.

Councilmember Matarrese moved approval of the Consent Calendar.

Vice Mayor deHaan seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmembers Gilmore and Tam – 2.] [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*10-500) Minutes of the Special City Council Meeting held on September 25, 2010; the

Special City Council Meeting, the Special Joint City Council, Alameda Reuse and Redevelopment Authority and Community Improvement Commission (CIC) Meeting and the Regular City Council Meeting Held on October 5, 2010; and the Special Joint City Council and CIC Meeting Held on October 6, 2010. Approved.

(*10-501) Ratified bills in the amount of \$3,229,174.50.

(*10-502) Recommendation to Accept the Work of Valley Power System North, Inc., for the Provision of Marine Diesel Main Engines for the Bay Breeze. Accepted.

(*10-503) Recommendation to Award a Contract in the Amount of \$530,726, Including Contingencies, to Sun Light & Power to Provide Turnkey Design-Build Services for Photovoltaic (Solar) Generation System, No. P.W. 05-10-12. Accepted.

(*10-504) Recommendation to Appropriate \$30,000 from the Dwelling Unit Tax and Award a Contract in the Amount of \$102,300, Including Contingencies, to Sand Channel Greens, for the Alameda Point Multi-Use Field Upgrades, No. P.W. 04-09-11. Accepted.

(10-505) Adoption of Resolution Authorizing Award of a Contract Pursuant to Section 3-15.2 of the Alameda City Charter in the Amount of \$223,100, Including Contingencies, to Mountain Cascade to Pipe burst Existing 14-Inch VCP Storm Drain Pipe and Replace with a 16-Inch HDPE Pipe on Eighth Street, Between Pacific Avenue and Lincoln Avenue. Continued to November 3, 2010.

(*10-506) Resolution No. 14500, "Opposing Proposition 26, a Proposed Constitutional Amendment Related to Local Fees and Charges." Adopted.

(*10-507) Resolution No. 14501, "Supporting Proposition 22, the Local Taxpayer, Public Safety and Transportation Act of 2010." Adopted.

(*10-508) Introduction of Ordinance Amending the Alameda Municipal Code by Adding Subsection 23-8 (Encroachments Upon Public Property Prohibited). Introduced.

(*10-509) Ordinance No. 3022, "Amending Municipal Code Section 30-17 (Density Bonus Regulations) of Chapter XXX (Development Regulations) to Provide Limits on Concessions and/or Incentives for Density Bonus Projects on Sites with a Residential General Plan or Zoning Designation." Finally passed.

(*10-510) Ordinance No. 3023, "Amending Ordinance No. 1277, N.S., to Rezone Parcels Located at 2229 Through 2235 Clement Avenue, APNS 071-0289-05 and 071-0290-01 from M-2 General Industrial (Manufacturing) District and R-2/PD (Two Family Residence Planned Development District) to Open Space (O) and R-2/PD (Two Family Residence Planned Development District)." Finally passed.

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Mayor Johnson called a recess at 8:11 p.m. and reconvened the meeting 8:12 p.m.

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CITY MANAGER COMMUNICATIONS

(10-511) Address Questions from the September 21, 2010 Regular City Council Meeting Regarding Alameda Fire Department's Emergency Medical Service Delivery. Continued.

The Interim City Manager suggested that the matter, along with the report on Paramedic Plus [paragraph no. 10-512], be continued.

(10-512) Receive a Report on Paramedics Plus Value Added Equipment and Services for Alameda County Advanced Life Support First Responders. Continued.

Councilmember Matarrese requested that previous collection rate data be provided when information is brought back; further requested that a comparison be provided to show the trend; inquired whether a Memorandum of Understanding (MOU) is pending for emergency communications network and amateur radio.

The Acting Fire Chief responded a meeting has been scheduled with amateur radio operators.

(10-513) Emergency Medical Service District Annexation.

The Interim City Manager gave a brief presentation.

Vice Mayor deHaan inquired whether the City would have latitude to do something different than a parcel tax.

The Interim City Manager responded the City would not have any other alternative if it merges into the County's Emergency Medical Service (EMS) District; stated the District assesses a benefit unit per land use type.

Vice Mayor deHaan stated the County claims the City owes \$3.2 million.

The Interim City Manager stated \$3.2 million is the cumulative amount for past years; the County is requiring an immediate payment of \$850,000 in January for fiscal year 2010-2011; the \$2.4 million balance is for the prior three years.

Mayor Johnson stated the County has proposed applying a credit.

The Interim City Manager stated the County has proposed using the City's first responder money of \$40,000 per year as a credit against the \$2.4 million; every year, the City would be assessed \$850,000.

Vice Mayor deHaan inquired whether the amount could be paid from the General Fund.

The Interim City Manager responded the amount could be paid from the General Fund without a parcel fee.

Mayor Johnson stated the County has proposed using first responder money as a credit; the City would not pay in cash.

The Interim City Manager stated first responder money would go against the \$2.4 million.

Councilmember Matarrese requested that the matter be agendized; stated figures need to be in writing.

Mayor Johnson stated that she does not know what is the County's process; staff can ask the County what can be done in terms of putting the proposal in writing.

Vice Mayor deHaan inquired what would be the amount of the parcel tax, to which the Interim City Manager responded \$26 per year for a single, residential house.

Vice Mayor deHaan inquired what would happen if the parcel tax does not pass.

The Interim City Manager responded mechanisms would not be available to pay the County; stated the County does not have the ability to take the City's money unless the City agrees; the issue warrants a Closed Session; that she would ask the County to confirm in writing the \$40,000 credit for the past liability and \$850,000 due by January.

Vice Mayor deHaan stated the City would be back to square one if the annexation process is completed and voters do not approve the parcel tax.

The Interim City Manager stated the County's letter indicates that it would decertify the City if the City did not execute a contract or move forward with annexation.

Vice Mayor deHaan inquired whether the matter would require a two-thirds vote, to which the Interim City Manager responded that she believes so, but a legal opinion would need to be provided.

REGULAR AGENDA ITEM

(10-514) Resolution No. 14502, "Approving the Zero Waste Implementation Plan." Adopted.

Ruth Abbe, HDR Engineering, gave a Power Point presentation.

Vice Mayor deHaan stated a lot of grease goes down drains; much of the grease comes from restaurants.

The Public Works Director stated the City gets grease plugs every so often; the majority of problems are with multi-family residences; staff has made presentations to Housing Authority facilities and is working with the Executive Director on the matter; plus are detected while doing on-going cleaning.

Vice Mayor deHaan stated Alameda Point will be facing deconstruction; inquired whether a mandate will be in place for deconstruction and recycling.

The Public Works Director responded there is a proposal to increase the 50% mandate to 75%.

Ms. Abbe stated a new ordinance could require an increased mandate in the recycling rate; a deconstruction requirement could be considered for reuse versus recycling; staff could bring back a new ordinance next year.

Councilmember Matarrese stated San Francisco is shipping landfill quite a ways away from its previous location because capacity has been met; capacity is finite.

Mayor Johnson stated a lot of packaging is not recyclable; potato chip bags are not recyclable; the United States is behind Europe in automobile manufacturing recycling.

Speakers: Jon Spangler, Alameda; Kevin Good, Alameda; Peter Slote, Alameda; and Lisa Sweet, Alameda (submitted document).

Vice Mayor deHaan stated fast food establishments generate the most waste; the biggest establishments should be targeted; McDonald's has been the last one to come on board regarding the issue; the biggest generators are doing next to nothing.

The Public Works Director stated mandatory requirements could be phased in; staff is meeting with businesses one on one; staff has been working with the Alameda Theatre for the last year.

Mayor Johnson inquired whether staff has been reaching out to businesses.

Ms. Abbe responded in the affirmative; stated Park Street has had good participation; the Zero Waste Plan has support; businesses want voluntary implementation before a mandate is implemented.

Mayor Johnson stated the schedule could be accelerated; staff should meet with business communities regarding accelerating the timeframe.

Councilmember Matarrese inquired how long the Styrofoam requirement took, to which the Public Works Director responded approximately one year.

Councilmember Matarrese stated the timeframe could be cut in half by targeting big generators.

Mayor Johnson stated the issue should be run by businesses again.

The Public Works Director stated that he would like to try the carrot approach for the next year; staff could provide a report to Council on how things are going and provide a recommendation about moving the schedule up to two years if businesses are not adhering to voluntary implementation.

Mayor Johnson stated during the year, staff needs to meet with and advise businesses that Council wants to shorten the [mandatory implementation] timeframe.

Vice Mayor deHaan stated big establishments just need to apply existing policy.

Mayor Johnson inquired why MacDonald's has not been targeted; stated streets are cluttered with fast food garbage.

Ms. Abbe responded the City participates in supporting Community Action for a Sustainable Alameda (CASA); CASA has received a grant for waste prevention and recycling programs from the Altamont Education Advisory Board; CASA has identified eighty-five new businesses to join the program; Alameda County Industries (ACI) sponsors the Alameda Recycling Coalition and has done outreach to a franchisee; the franchisee owns two restaurants in town and has expressed interest in joining the program; the project is in the works.

Mayor Johnson stated a priority list should be in place; fast food restaurants should be the number one priority.

The Public Works Director summarized that Council direction is to have staff work with businesses regarding accelerating the mandatory requirement to two years instead of four years, focus on bigger generators such as fast food restaurants, and report back to Council within a year regarding progress made.

Councilmember Matarrese moved approval of adopting the resolution with direction to have staff communicate with the business community regarding Council's intention to accelerate the [mandatory] timeframe and come back in a year with a status report regarding having the 2014 date brought in closer.

Mayor Johnson stated that she would like to have Council updated in six months.

The Public Works Director stated that he is not sure how much information could be obtained in six months.

Mayor Johnson stated a report could come back to Council around June.

Vice Mayor deHaan seconded the motion with the caveat that staff could obtain 50% by working with fast food restaurants; stated the issue needs to be worked from the top

down.

Under discussion, Councilmember Matarrese agreed to amend his motion to include Vice Mayor deHaan's caveat.

Mayor Johnson stated fast food restaurants do not use recyclable material; Alameda should get together with other cities to advocate for recyclable packaging.

The Public Works Director stated the Zero Waste Plan addresses the issue at the State level.

Councilmember Matarrese stated community outreach should address not buying non-recyclable packaging; consumer behavior needs to change.

Vice Mayor deHaan stated a lot of new products come wrapped in Styrofoam; the challenge is how to dispose of the Styrofoam.

Mayor Johnson stated consumers can dispose of Styrofoam in Hayward.

On the call of the question, the motion carried by unanimous voice vote – 3. [Absent: Councilmembers Gilmore and Tam – 2.]

ORAL COMMUNICATIONS, NON-AGENDA

(10-515) Gretchen Lipow, Alameda, stated the Sunshine Task Force did not put out a flyer; outlined the connection between the Taxpayer's organization that created the flyer and SunCal.

(10-516) Michael Yoshi, Alameda, discussed the treatment of Councilmember Tam; stated she has served with integrity.

(10-517) Jon Spangler, Alameda, stated that he severed his relationship with SunCal after the mailers; discussed Jeff Mitchell's former connection with SunCal.

(10-518) Janet Gibson, Alameda, submitted a mailer and discussed the mailers.

(10-519) Rosemary McNally, Alameda, submitted a handout, discussed SunCal changing its name to Argent Management and mailing checks to candidates.

COUNCIL COMMUNICATIONS

(10-520) Consideration of Mayor's nomination for appointment to the Planning Board. Continued.

(10-521) Councilmember Matarrese stated that SunCal promised that it would sue the City and get involved in the election if an extension was not granted; the issue is vicious

and nasty.

(10-522) Vice Mayor deHaan stated the Adelphian Club is a good example of what the City has to safeguard against; the building is historical; presently, the building is being gutted; requirements are lackadaisical; completely changing the interior of a historical building cannot be done; the ordinance needs to be reviewed.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the meeting at 9:47 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY- -OCTOBER 19, 2010- -6:00 P.M.

Mayor Johnson convened the meeting at 6:00 p.m.

Roll Call – Present: Councilmembers deHaan, Matarrese, and Mayor Johnson – 3.

Absent: Councilmembers Gilmore and Tam. – 2.

The meeting was adjourned to Closed Session to consider:

(10-493) Conference with Legal Counsel – Anticipated Litigation (54956.9(b); Number of Cases: One.

(10-494) Conference with Legal Counsel - Existing Litigation (54956.9); Name of Case: AC Transit, et al. v. California Department of Transportation.

(10-495) Public Employee Performance Evaluation (54957); Titles: City Attorney, City Clerk and City Manager.

Following the Closed Session, the meeting reconvened and Mayor Johnson announced that regarding Anticipated Litigation, the City Council met with its Outside Counsel; no action was taken; regarding Existing Litigation, the City Council received a briefing from Legal Counsel and provided direction; regarding Performance Evaluation, the matter was cancelled.

Adjournment

There being no further business, Mayor Johnson adjourned the meeting at 7:05 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE COMMUNITY IMPROVEMENT COMMISSION (CIC) MEETING
TUESDAY- -OCTOBER 19, 2010- -7:01 P.M.

Chair Johnson convened the meeting at 9:48 p.m.

ROLL CALL - Present: Commissioners deHaan, Matarrese, and Mayor Johnson – 3.

Absent: Commissioners Gilmore and Tam – 2.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(10-73) Presentation on Five-Year Accomplishments of the Community Improvement Commission Redevelopment Program.

The Economic Development Director gave a Power Point presentation.

Commissioner Matarrese stated that he appreciates the compilation of accomplishments; he looks forward to the next generation; a good template has been created to catalogue and measure each project and its impacts; the presentation is a good lesson on how things should be managed.

Commissioner deHaan stated everyone would love to use the template as part of the City's resume; a lot has been accomplished; commended everyone involved over the years.

MINUTES

(10-74) Minutes of the Special Joint City Council, Alameda Reuse and Redevelopment Authority, and CIC Meeting of October 5, 2010; and the Special Joint City Council and CIC Meeting of October 6, 2010. Approved.

Vice Mayor deHaan moved approval of the minutes.

Commissioner Matarrese seconded the motion, which carried by unanimous voice vote – 3. [Absent: Commissioners Gilmore and Tam – 2.]

AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, Chair Johnson adjourned the meeting at 10:12 p.m.

Respectfully submitted,

Lara Weisiger
Secretary

The agenda for this meeting was posted in accordance with the Brown Act.